REMARKS

Claims 1-26 are pending in the present application, with claims 1 and 14 amended by way of the present amendment. No new matter is introduced (see, e.g., Specification, page 33, lines 6-16).

First, Applicants wish to thank Examiner Hosain for conducting a personal interview on June 9, 2004. During the interview, although no agreement was reached, the claims, as presently amended, were discussed and the Examiner indicted that a new rejection would most likely be non-final, pending further search and consideration, as the present amendment merely clarifies the novel features of the invention recited in independent claims 1 and 14, as set forth below.

Referring now to the present Office Action, claims 1-5, 10, 11, 14-18, 23 and 24 were rejected under 35 U.S.C. §102(e) as being unpatentable over U.S. Patent No. 6,236,727 to *Ciacelli et al.*, and claims 6-9, 12, 13, 19-22, 25 and 26 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Ciacelli et al.* in view of U.S. Patent No. 6,011,905 to *Huttenlocher et al.* The rejection of claims 1-26 is respectfully overcome because *Ciacelli et al.* and *Huttenlocher et al.*, taken alone or in combination, fail to disclose, teach or suggest all of the features recited in the claims. For example, independent claim 1, as amended, recites:

> encrypting the digital work, z, in accordance with a format preserving encryption scheme, E, which preserves formatting information of the digital work; and

independent claim 14, as amended, recites:

> an encryption engine for encrypting the digital work, z, in accordance with a format preserving encryption scheme, E, which preserves formatting information of the digital work.

By contrast, *Ciacelli et al.* is directed to Apparatus, method and computer program product for digitally processing an encrypted data stream scrambled, for example, according to content scrambling system (CSS) technology. The digital processing insures against communication of clear data within the computer system from a central processing unit (CPU) to any accessible structure, such as memory or a system bus. Descrambling of the (CSS) scrambled data stream occurs within a module executing on the CPU, which is followed by reencryption of the data prior to transfer from the CPU. By so processing the

data, integrity of copyrighted material is maintained, while allowing for software descrambling of the CSS encrypted data stream. Various techniques for establishing the encryption/decryption algorithm pair are employed. Decryption of the re-encrypted data can occur at a receiving software module and/or a receiving hardware device, such as a decoder. Abstract, *Ciacelli et al.*

However, contrary to the assertion in the present Office Action, *Ciacelli et al.* is silent with respect to employing "a format preserving encryption scheme, E, which preserves formatting information of the digital work," as recited in independent claims 1 and 14. Accordingly, the portions in the present Office Action as allegedly disclosing the noted features are incorrect. Specifically, the present Office Action relies on FIG. 3, and col. 6, lines 34-53 of *Ciacelli et al.* as allegedly disclosing the noted features. However, FIG. 3, and col. 6, lines 34-53 of *Ciacelli et al.* merely disclose encrypting data, without any consideration regarding preserving the data format). For example, the data multiplexer and demultiplexer of *Ciacelli et al.* merely combine and decouple encrypted data and an encryption key, respectively. Thus, *Ciacelli et al.* merely generally disclosing that data encryption can be employed, fails to disclose, teach or suggest the details of employing "a format preserving encryption scheme, E, which preserves formatting information of the digital work," as recited in independent claims 1 and 14.

Advantageously, with a format preserving encryption scheme, E, which preserves formatting information of the digital work, as recited in independent claims 1 and 14, allows "any transformation function (replay application or rendering application) may be employed" (Specification, p. 33, lines 6-8). By contrast, the applied references fail to teach, disclose or suggest the noted features and advantages thereof. Accordingly, one of ordinary skill in the art would find no motivation to modify the applied references to include such a feature, absent improper hindsight reconstructions of Applicants' invention, as recited in independent claims 1 and 14, based on Applicants' disclosure.

Huttenlocher et al. was not relied on by the present office action for the noted features and properly so, as *Huttenlocher et al.* fails to cure the noted deficiencies in *Ciacelli et al.* Accordingly, *Ciacelli et al.* and *Huttenlocher et al.,* taken alone or in combination, fail to disclose, teach or suggest the noted features recited in independent claims 1 and 14.
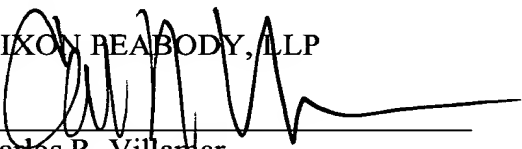
Dependent claims 1-13 and 15-26 are allowable over *Ciacelli et al.* and *Huttenlocher et al.,* taken alone or in combination, on their on merits and for at least the reasons as argued above with respect to independent claims 1 and 14.

The prior art that has been cited, but not applied by the Examiner, has been taken into consideration during formulation of this response. However, since this art was not considered by the Examiner to be of sufficient relevance to apply against any of the claims, no detailed comments thereon is believed to be warranted at this time.

In view of the foregoing, it is submitted that the present application is in condition for allowance and a notice to that effect is respectfully requested. If, however, the Examiner deems that any issue remains after considering this response, the Examiner is invited to contact the undersigned attorney to expedite the prosecution and engage in a joint effort to work out a mutually satisfactory solution.

Respectfully submitted,

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